

FILED

UNITED STATES COURT OF APPEALS

AUG 05 2010

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROGER CUSICK CHRISTIE,

Defendant - Appellant.

No. 10-10355

D.C. No. 1:10-cr-00384-ACK

District of Hawaii,

Honolulu

ORDER

Before: LEAVY, HAWKINS and THOMAS, Circuit Judges.

This is an appeal from the district court's pretrial detention order denying bail. We have jurisdiction pursuant to 18 U.S.C. § 3145(c) and 28 U.S.C. § 1291.

Appellant's motion to strike is denied.

We review the district court's factual findings concerning the danger that appellant poses to the community under a "deferential, clearly erroneous standard." *United States v. Hir*, 517 F.3d 1081, 1086 (9th Cir. 2008) (quoting *United States v. Townsend*, 897 F.2d 989, 994 (9th Cir. 1990)). The conclusions based on such factual findings, however, present a mixed question of fact and law. *Hir*, 517 F.3d at 1086. Thus, "the question of whether the district court's factual determinations

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justify the pretrial detention order is reviewed de novo.” *Id.* at 1086-87 (citations omitted).

The district court correctly found that the government has met its burden of showing, by clear and convincing evidence, that “no condition or combination of conditions will reasonably assure . . . the safety of . . . the community,” 18 U.S.C. § 3142(e), and that appellant therefore poses a danger to the community. *See Hir*, 517 F.3d at 1094. We therefore affirm the district court’s pretrial detention order.

AFFIRMED.